DRAFT ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) METRICS 2009 AND FORWARD

Part 1: EMS Conformance Declaration and Performance Metrics

A. EXTERNAL AUDIT AND DECLARATION OF CONFORMANCE

Background: The Implementing Instructions for EO 13423 require that for purposes of conformance to the EMS requirements of EO 13423, an EMS shall be considered <u>fully implemented and in conformance</u> when:

- (1) The facility/organization has been the subject of a formal EMS audit by a qualified party outside the control or scope of the EMS. AND
- (2) The audit findings have been recognized by the appropriate level of the agency implementing the EMS. AND
- (3) The appropriate senior manager accountable for implementation of the EMS has declared conformance to the EMS requirements of EO 13423.

The Federal Environmental Executive provided clarification of these requirements in a memorandum dated January 15, 2008, available at:

[http://www.fedcenter.gov/Documents/index.cfm?id=8864&pge_prg_id=23076&pge_id=1863].

Note: Declarations made under EO 13148 are not valid for the purposes of declaration under EO 13423.

Once conformance of the EMS has been declared, the EMS shall then be audited at least every three years from the date of the initial declaration. An EMS audit may be considered completed "within three years" if the audit was scheduled within the three year deadline, but encountered unanticipated delays of up to three months.

In FY 2009 (and beyond depending on the reporting year):

Not Currently In Conformance: The EMS for the facility/organization is not
"fully implemented," in accordance with the requirements of the CEQ Implementing
Instructions (cited above).
OR
The EMS was previously declared "fully implemented" in accordance with the
requirements of the CEQ Implementing Instructions (cited above). However, the dat

The EMS was previously declared "fully implemented" in accordance with the requirements of the CEQ Implementing Instructions (cited above). However, the date of initial conformance declaration was more than three years ago, and the EMS has not been audited within the past three years by a qualified party outside the control or scope of the EMS or findings from such an audit have not been recognized by the appropriate level of the agency implementing the EMS. (Note that declarations made under EO 13148 are not valid for the purposes of declaration under EO 13423).

Currently In Conformance: The EMS is "fully implemented" in accordance with the requirements of the CEQ Implementing Instructions. AND
If the date of initial conformance declaration was more than three years ago, then the EMS has been audited within the past three years by a qualified party outside the control or scope of the EMS, the findings from that audit have been recognized by the appropriate level of the agency implementing the EMS and the conformance declaration has been renewed as appropriate based on agency guidance (Note that declarations made under EO 13148 are not valid for the purposes of declaration under EO 13423).
Supplementary Data:
Date of Declaration of Conformance
Declaration issued by (name) (title)
Date of completion of most recent EMS audit by a qualified party outside the control or scope of the EMS

B. SCORECARD METRICS

1. ENVIRONMENTAL ASPECTS

In FY 2009 (and beyond depending on the reporting year), within the scope of a facility's/organization's EMS:

- A. Environmental aspects were not identified for all of the facility's/organization's activities, products, and services (including transportation and energy functions) during this reporting period or previously.
- B. Environmental aspects were identified for all of the facility's/organization's activities, products, and services (including transportation and energy functions) during this reporting period or previously but without using an established procedure.

 OR

Environmental aspects were identified for all of the facility's/organization's activities, products, and services (including transportation and energy functions) during this reporting period or previously using an established procedure. However, *significant* aspects were not identified.

- C. An established procedure was used to identify environmental aspects for all of the facility's/organization's activities, products, and services (including transportation and energy functions) AND *significant* environmental aspects for those activities, products, and services during this reporting period or previously. However, previously identified *significant* environmental aspects were not reevaluated during this reporting period OR were not reevaluated using an established procedure during this reporting period.
- D. Using an established procedure, environmental aspects and *significant* environmental aspects were identified during this reporting period for all of the facility's/organization's activities, products, and services (including transportation and energy functions), AND/OR previously identified *significant* environmental aspects were reevaluated and updated (added/deleted/modified) as appropriate during this reporting period.

2. SUSTAINABLE PRACTICES

Note: Executive Order 13423 requires that EMSs shall address the environmental aspects of agency transportation and energy functions. The agency shall implement sustainable practices for:

- (a) Improvement in energy efficiency and reduction in greenhouse gas emissions,
- (b) Use of renewable energy,

- (c) Reduction in water consumption,
- (d) Sustainable acquisition,
- (e) Reduction of the use and disposal of toxic and hazardous chemicals and materials,
- (f) Waste prevention and recycling programs,
- (g) High performance and sustainable buildings,
- (h) Vehicle fleet management, and
- (i) Electronics stewardship.

If a particular sustainable practice is not applicable to the reporting EMS, that determination needs to be documented, and that sustainable practice can then be excluded from the following evaluation <u>for this reporting period</u>.

Examples of "not applicable" include a determination that a particular sustainable practice relates to an environmental aspect (a) that is not present at the facility/organization or (b) is outside the control of the organization/facility during the reporting period (e.g., high performance building or renewable energy use in a leased facility).

Note: If an agency has established agency-level requirements/procedures to address the sustainable practices as required by Executive Order 13423, the facility/organization may claim credit for the Agency-level requirements to demonstrate conformance provided that the facility/organization has implemented those requirements/procedures.

In FY 2009 (and beyond depending on the reporting year):

- A. The facility/organization did not establish requirements/procedures to address applicable sustainable practices as required by Executive Order 13423 through the facility/organization's EMS.
- B. The facility/organization established requirements/procedures to address applicable sustainable practices as required by Executive Order 13423 through the facility/ organization's EMS, including procedures for setting objectives and targets as appropriate, monitoring, training, and management review, but did not implement the requirements/procedures.
- C. The facility/organization established and implemented requirements/procedures to address applicable sustainable practices as required by Executive Order 13423 through the facility/organization's EMS, including setting objectives and targets as appropriate, monitoring, training, and management review. AND

The facility/organization incorporated at least one of the applicable sustainable practices through the EMS.

AND

The facility/organization has established an implementation schedule to complete incorporation of the remainder of the applicable sustainable practices through the EMS.

D. The facility/organization has established and implemented requirements/ procedures to address all applicable sustainable practices as required by Executive Order 13423 through the facility/organization's EMS (see Note above), including setting objectives and targets as appropriate, and conducting monitoring, training, and management review.

AND

The facility/organization has reviewed performance of these sustainable practices through their monitoring and management review process.

3. OBJECTIVES, TARGETS, AND PROGRAMS

In FY 2009 (and beyond depending on the reporting year):

- A. Measurable environmental objectives targets, and programs (including those for appropriate E.O. 13423 sustainable practices) were not established and documented during this reporting period OR previously established and documented objectives, targets, and programs were not reviewed and updated as appropriate during this reporting period.
- B. Measurable environmental objectives, targets, and programs (including those for appropriate E.O. 13423 sustainable practices) were established and documented during this reporting period OR previously established and documented objectives, targets, and programs were reviewed and updated as appropriate during this reporting period. Less than 50% of the established targets were on schedule to be met.
- C. Measurable environmental objectives, targets, and programs (including those for appropriate E.O. 13423 sustainable practices) were established and documented during this reporting period OR previously established and documented objectives, targets, and programs were reviewed and updated as appropriate during this reporting period. 50-79% of the established targets were on schedule to be met.
- D. Measurable environmental objectives, targets, and programs (including those for appropriate E.O. 13423 sustainable practices) were established and documented during this reporting period OR previously established and documented objectives, targets, and programs were reviewed and updated as appropriate during this reporting period. Greater than 80% of established targets were on schedule to be met.

4. ENVIRONMENTAL TRAINING

[Note: These metrics pertain to competence training for those whose tasks and/or activities have the potential to affect significant environmental aspects]

In FY 2009 (and beyond depending on the reporting year):

- A. Training requirements to ensure individual competence and responsibility were not identified during this reporting period or previously.
- B. Training requirements to ensure individual competence and responsibility were identified during this reporting period or previously but training was not available and/or was not carried out.
- C. Training requirements to ensure individual competence and responsibility were identified and/or updated as appropriate during this reporting period or previously, and training was available, carried out and recorded during this reporting period.
- D. Training procedures were established to ensure that training requirements for individual competence and responsibility were identified during this reporting period or previously; training was available and carried out during this reporting period; training was recorded and tracked; and training requirements were monitored, revised, and refresher training provided, as appropriate, to maintain competence.

5. OPERATIONAL CONTROLS

In FY 2009 (and beyond depending on the reporting year):

- A. Documented operational controls to address significant aspects (including all appropriate E.O. 13423 sustainable practices) consistent with goals, objectives, and targets were not established during this reporting period or previously.
- B. Documented operational controls to address significant aspects (including all appropriate E.O. 13423 sustainable practices) consistent with goals, objectives, and targets were established during this reporting period or previously and have been partially implemented.
- C. Documented operational controls to address significant aspects (including all appropriate E.O. 13423 sustainable practices) consistent with goals, objectives, and targets were established during this reporting period or previously and are fully implemented.
- D. During this reporting period, new or previously documented operational controls to address significant aspects (including all appropriate E.O. 13423 sustainable

practices) consistent with goals, objectives, and targets were fully implemented; in addition, previously documented operational controls were reviewed during the year, and/or updated (i.e., supplemented, revised, deleted) as appropriate.

6. CONTRACTS and CONCESSION AGREEMENTS

[Notes: 1) The Instructions to Executive Order 13423 establishes "where contractor and concessionaire activities affect an agency's environmental, transportation, or energy issues, those activities shall be addressed in the development, implementation, and maintenance of the EMS. Requirements shall be included in all appropriate contracts to ensure that the contractors' roles and responsibilities under the EMS are properly addressed" (Instructions for Implementing Executive Order 13423, Section II B (2).

2) An "appropriate contract" is one whose actions may have potential impact on the environmental aspects identified by the reporting EMS. 3) Appropriate contracts include legal arrangements with concessionaires. 4) A documented determination of no appropriate contracts may be marked as a "D" provided that the procedure requires an annual review and a review of new contracts.]

In FY 2009 (and beyond depending on the reporting year):

- A. During this reporting period or previously, the facility/organization established a procedure to identify appropriate contracts in which to include EMS requirements, AND has identified appropriate contracts.
 However, the facility/organization did not define contractor roles and responsibilities or establish a schedule to modify appropriate contracts.
- B. During this reporting period or previously, the facility/organization established a procedure to identify appropriate contracts; identified appropriate contracts and the contractors' roles and responsibilities under the EMS; and established a schedule to modify appropriate contracts.
 However, the facility/organization did not modify appropriate contracts to include EMS requirements.
- C. During this reporting period or previously, the facility/organization established a procedure to identify appropriate contracts; identified appropriate contracts and the contractors' roles and responsibilities under the EMS; and was in the process of including EMS requirements and defined roles and responsibilities in appropriate contracts.
 - However, the facility/organization has not completed modifications to appropriate contracts or has not reviewed whether contractors fulfilled defined roles and responsibilities.
- D. During this reporting period or previously, facility/organization established a procedure to identify appropriate contracts; identified appropriate contracts and the

contractors' roles and responsibilities under the EMS; and EMS requirements were included in all appropriate contracts. The facility/organization reviewed the contractor activities and determined the status of contractors' fulfillment of their defined roles and responsibilities during this reporting period.

7. EVALUATION OF COMPLIANCE WITH REGULATORY REQUIREMENTS

Note: Executive Order 13423 requires that each agency shall establish a program for environmental compliance review and audit. Furthermore, the Instructions for Implementing Executive Order 13423 establish that the EMS shall be used to support compliance with environmental regulations.

In FY 2009 (and beyond depending on the reporting year):

- A. During this reporting period or previously, the facility/organization did not establish procedures for an environmental compliance program through the facility/organization's EMS as required by Executive Order 13423.
- B. During this reporting period or previously, facility/organization established an environmental compliance program as part of the facility/organization's EMS that includes:
 - (a) Procedures to identify and account for applicable legal and other requirements,
 - (b) Protocols to periodically evaluate compliance with those applicable legal and other requirements, including the frequency of compliance evaluations, and
 - (c) Process or system for implementing corrective action based on that evaluation.

AND

The facility/organization has identified applicable legal and other requirements.

However, the facility/organization has not implemented the protocols to evaluate compliance, or the process or system to implement corrective action based on compliance evaluations.

- C. During this reporting period or previously, facility/organization established an environmental compliance program as part of the facility/organization's EMS that includes:
 - (a) Procedures to identify and account for applicable legal and other requirements,
 - (b) Protocols to periodically evaluate compliance with those applicable legal and other requirements, including the frequency of compliance evaluations, and
 - (c) Process or system for implementing corrective actions based on that evaluation.

AND

The facility/organization has identified applicable legal and other requirements.

AND

The facility/organization has conducted evaluations of compliance with applicable legal and other requirements.

However, the facility/organization has not completed the compliance evaluation for the entire facility/organization in accordance with the established frequency, or has not initiated corrective actions for completed evaluations.

- D. During this reporting period or previously, the facility/organization established an environmental compliance program as part of the facility/organization's EMS that includes:
 - (a) Procedures to identify and account for applicable legal and other requirements,
 - (b) Protocols to periodically evaluate compliance with those applicable legal and other requirements, including the frequency of compliance evaluations, and
 - (c) Process or system for implementing corrective actions based on that evaluation.

AND

The facility/organization has identified applicable legal and other requirements.

AND

The facility/organization has completed evaluations of compliance with applicable legal and other requirements for the entire facility/organization, in accordance with the established frequency.

AND

Corrective actions have been initiated, scheduled or completed.

8. MANAGEMENT REVIEW

The Instructions for Implementing Executive Order 13423 require that "Once implemented, an EMS shall be reviewed and updated annually or more frequently, as appropriate, by senior leadership accountable for implementation of that EMS." [§ II.A.(2), page 7]

The purpose of this review (according to ISO 14001:2004) is to ensure the continuing suitability, adequacy and effectiveness of the EMS. The review should include "assessing opportunities for improvement and the need for changes to the environmental management system, including the environmental policy and environmental objectives and targets."

The review should be documented (for example: agenda, presentations, actions taken).

In FY 2009 (and beyond depending on the reporting year):

A. Senior leadership review of the EMS was neither planned/scheduled nor conducted during this reporting period.

- B. Senior leadership review of the EMS was planned/scheduled, but was not conducted during this reporting period
- C. Senior leadership review of the EMS was conducted during this reporting period. Recommendations for continual improvement were not addressed by top management during this reporting period.
- D. Senior leadership review of the EMS was conducted during this reporting period, top management responded to recommendations for continual improvement, and appropriate actions including modifications to elements of the EMS have been initiated, scheduled or completed.

Part II. EMS Implementation Information Questions

E.O. 13243 states, in Section 3, *Duties of Heads of Agencies*, (I)n implementing the policy set forth in section 1 of this order, the head of each agency shall: ... (b) implement within the agency environmental management systems (EMS) at all appropriate organizational levels to ensure (i) use of EMS as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions, (ii) establishment of agency objectives and targets to ensure implementation of this order, and (iii) collection, analysis, and reporting of information to measure performance in the implementation of this order; (emphasis added).

Likewise the Instruction for Implementing Executive Order13423, in part II (A.), Environmental Management Systems, Use of Environmental Management Systems, states, (E)ach agency shall, at all appropriate organizational levels, including agency, sub-agency, bureau, service, command, and/or facility, develop, implement, and maintain an EMS to be used to identify and address agency environmental, transportation, and energy issues. ... The EMS objectives shall include the goals identified in Section 2 of the E.O.

The Instruction goes on to state in (1) Management framework, (T)he management system will serve as the management framework under which agencies and their facilities or organizations identify, manage, and improve the sustainable practices identified in Section 2 of the E.O. and identify and collect performance measurement information to address the reporting requirements of Section 3(g) of the E.O. EMS also shall be used to support compliance with environmental and energy regulations, to enable the prevention of pollution and efficient energy management, and to support other objectives identified by the organization (emphasis added).

The questions in this Part reflect the concept identified in the Executive Order and Implementing Instruction regarding the relationship between an EMS and the various programs that already respond to, or are being developed to respond to, the sustainable practices in Section 2 of the E.O.

1. Energy Use

a.	Has an assessment of the facility/organizations energy use been conducted?	Yes	No
b.	Is energy use identified as a 'significant aspect'	Yes	No
c.	Have objectives and targets been established to address energy use?	Yes	No

	d.	Are these objectives and targets included in the EMS?	Yes		No
	e.	Have plans and programs been implemented to address energy use?	Yes		No
	f.	Are these plans and programs included in the EMS?	Yes		No
2.	Gree	nhouse Gas Emissions			
	a.	Has an assessment of the facility's/organization's greenhouse gas emissions been conducted?	Yes		No
	b.	Are greenhouse gas emissions identified as 'significant aspects'	Yes		No
	c.	Have objectives and targets been established for greenhouse gas emissions?	Yes		No
	d.	Are these objectives and targets included in the EMS?	Yes		No
	e.	Have plans and programs been implemented to address greenhouse gas emissions?	Yes		No
	f.	Are these plans and programs included in the EMS?	Yes		No
3.	Rene	wable Energy Use			
	a.	Has an assessment of the facility's/organization's renewable energy use been conducted?	Yes		No
	b.	Is renewable energy use identified as a 'significant aspects'	Yes		No
	c.	Have objectives and targets been established for renewable energy use?	Yes		No
	d.	Are these objectives and targets included in the EMS?	Yes	П	No

	e.	Have plans and programs been implemented to address renewable energy use?	Yes	No
	f.	Are these plans and programs included in the EMS?	Yes	No
4.	Wate	er Use		
	a.	Has an assessment of the facility's/organization's water use been conducted?	Yes	No
	b.	Is water use identified as a 'significant aspect'?	Yes	No
	c.	Have objectives and targets been established for water use?	Yes	No
	d.	Are these objectives and targets included in the EMS?	Yes	No
	e.	Have plans and programs been implemented to address water use?	Yes	No
	f.	Are these plans and programs included in the EMS?	Yes	No
5.	Purcl	hasing		
	a.	Has an assessment of the facility's/organization's purchasing practices been conducted?	Yes	No
	b.	Are environmental aspects associated with purchasing identified as 'significant aspects'?	Yes	No
	c.	Have objectives and targets been established for aspects associated with purchasing practices?	Yes	No
	d.	Are these objectives and targets included in the EMS?	Yes	No
	e.	Have plans and programs been implemented to address purchasing practices?	Yes	No

f.	Are these plans and programs included in the EMS?		Yes	No	
6. Solid	l Waste Generation				
a.	Has an assessment of the facility's/organization's sold waste generation been conducted?		Yes	No	
b.	Is solid waste generation identified as a 'significant aspect'?		Yes	No	
c.	Have objectives and targets been established to address solid waste generation?		Yes	No	
d.	Are these objectives and targets included in the EMS?		Yes	No	*
e.	Have plans and programs been implemented to address solid waste generation?		Yes	No	
f.	Are these plans and programs included in the EMS?		Yes	No	
7. Purc	chasing and Using Toxic or Hazardo	ous Cl	hemicals		
a.	Has an assessment of the facility's/organization's practices for purchasing and using toxic or hazardous chemicals been conducted?		Yes	No	No purchasing or use of toxic or hazardous chemicals
b.	Is purchasing and using toxic or hazardous chemicals identified as a 'significant aspect'?		Yes	No	
c.	Have objectives and targets been established for purchasing and using toxic or hazardous chemicals?		Yes	No	
d.	Are these objectives and targets included in the EMS?		Yes	No	

	e.	Have plans and programs been implemented to address purchasing and using toxic or hazardous chemicals?		Yes		No
	f.	Are these plans and programs included in the EMS?		Yes		No
8. (Cons	struction/Lease/Operation/Mainten	ance (of Building	gs	
	a.	Has an assessment of the facility's/organization's practices related to construction/lease/ operation/maintenance of buildings been conducted?		Yes		No
	b.	Are the environmental aspects associated with construction/lease/ operation/ maintenance of buildings identified as 'significant aspects'?		Yes		No
	c.	Have objectives and targets been established for aspects associated with construction/lease/ operation/maintenance of buildings?		Yes		No
	d.	Are these objectives and targets included in the EMS?		Yes		No
	e.	Have plans and programs been implemented to address aspects associated with construction/lease/operation/maintenance of buildings?		Yes		No
	f.	Are these plans and programs included in the EMS?		Yes		No
9. V	/ehic	cle Fleet Use/Petroleum Products U	se			
a.	faci flee	s an assessment of the ility's/organization's vehicle to use/petroleum product use	Ye.	s \square	No	☐ No fleet or petroleum

	b.	pro	e vehicle fleet use/petroleum oducts use identified as gnificant aspects'?		Ye	es		No	
	c.	est	ve objectives and targets been ablished for vehicle fleet e/petroleum product use?		Ye	es		No	
	d.		e these objectives and targets cluded in the EMS?		Ye	s		No	
	e.	im	ve plans and programs been plemented to address vehicle et use/petroleum product use?		Ye	:S		No	
	f.		e these plans and programs luded in the EMS?		Ye	s		No	
1	10. Purchase/Use/Disposal of Electronic Equipment								
		a.	Has an assessment of the facility's/organization's purchase/use/disposal of electror equipment been conducted?	nic		Yes			No
		b.	Are purchase/ use/disposal of electronic equipment identified a 'significant aspects'?	ıs		Yes			No
		c.	Have objectives and targets been established for purchase/use/disposal of electron equipment?			Yes			No
		d.	Are these objectives and targets included in the EMS?			Yes			No
		e.	Have plans and programs been implemented to address purchase/use/disposal of electron equipment?	nic		Yes			No
		f.	Are these plans and programs			Yes			No

11. Environmental Regulatory Compliance

a.	Has an assessment of the facility's/organization's regulated products, activities and services been conducted?	Yes		No
b.	Is environmental regulatory compliance identified as a factor in determining a 'significant aspect'?	Yes		No
c.	Have objectives and targets been established for environmental regulatory compliance?	Yes		No
d.	Are these objectives and targets included in the EMS?	Yes		No
e.	Have plans and programs been implemented to address environmental regulatory compliance?	Yes	THE STATE OF THE S	No
f.	Are these plans and programs included in the EMS?	Yes		No

III. EMS Experiences Questions

A. EMS BEST PRACTICES / LESSONS LEARNED

Please provide up to 3 bullet statements identifying any EMS best practices and/or lessons learned in the past year.

B. EMS CHALLENGES:

Please provide up to 3 bullet statements identifying EMS implementation challenges in the past year.

C. EXTERNAL COMMUNICATION:

Please provide up to 3 bullet statements identifying how your facility/organization uses the EMS to facilitate communication between your facility/organization, and your stakeholders and your neighbors.

D. HIGHEST PRIORITY ASPECTS

Please list up to 3 of your facility/organization's highest priority significant environmental aspects. [Note: These may or may not be those identified in the Executive Order; they may include environmental aspects associated with local issues or other Agency priorities.]

E. EMS BENEFITS TO AGENCY MISSION:

Please provide up to 3 bullet statements identifying how EMS implementation has enabled your organization or agency to operate more effectively in accomplishing its missions. [These could include, for example, reduced number of off-normal events that disrupt agency schedules or operations; greater interoperability among sites; better relations with host communities, states, and their elected representatives; greater speed and agility in responding to unexpected events; improved ability to write performance based contracts; etc.]